



case.

6. The Settlement Agreement was finalized on May 11, 2021 and is presented to the Court along with Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement with Actavis Defendants.

7. The proposed IPP Class Representatives', Tina Picone, Carmen Richard, Shana Wright and Sherry Cummisford, interests are typical of and coextensive with those of the proposed Settlement Class Members. The proposed IPP Class Representatives and the proposed Settlement Class Members, estimated to include hundreds, if not thousands of class members, have an equally great interest in the relief offered by the Settlement Agreement, and there is no divergence between the IPP Class Representatives' interests and those of the proposed Settlement Class. As a result, the Class Representatives will adequately and fairly protect the interests of the proposed Settlement Class.

8. The proposed IPP Class Representatives' and other Settlement Class Members' claims present common questions of law and fact, arise from the same conduct and turn on the same alleged conduct, and the proposed IPP class representatives seek remedies equally applicable and beneficial to themselves and all other Settlement Class Members.

9. The Proposed Class Representatives are represented by qualified counsel with extensive experience and expertise. Lead Plaintiffs' counsel here, which include Mr. Honik, Mr. Stanoch, Ms. Hilton, Ms. Tennis and undersigned, are qualified and competent class action litigators, well-position to evaluate the strengths and weaknesses of continued litigation, as well as the reasonableness of settlement. This team has successfully handled national, regional and statewide class actions in both federal and state courts.

10. Kanner & Whiteley has successfully handled national, regional and state-wide

class actions throughout the United States in both state and federal courts, including these actions in which I have or have had a leadership role: *In re Valsartan, Losartan and Irbesartan Products Liability Litigation*, 1:19-md-02875-RBK-KMW (MDL No. 2875) (Co-Lead counsel in MDL on behalf of economic loss, medical monitoring and personal injury plaintiffs); *In re Zantac (Ranitidine) Products Liability Litigation*, 9:20-md-02924-RLR, MDL No. 2924, (Plaintiffs' Steering Committee member); *Monica Barba v. Shire U.S. Inc.*, Case No. 1:13-cv-21158 (S.D. Fla. 2013)(Lead counsel on behalf of 35-state class of indirect purchasers); *Paul v. Wine.com, Inc.*, No. 13-534734 (Cal. Sup. Ct. 2013) (Co-Lead counsel in consumer fraud action); *In re Budeprion XL Marketing & Sales Litig.*, MDL No. 2107 (E.D. Pa. 2012) (Pharmaceutical national class action); *Ralph Shaffer v. Cont'l Casualty Co., et al.*, No. 06-2335 (C.D. Cal. 2009) (Long term care insurance fraud national class action settlement); *Jorgenson v. Agway*, No A3-00-59 (D.N.D. 2002)(Co-Lead counsel in product liability action on behalf of 90 Sunflower Growers in North and South Dakota); *Milkman v. American Travelers Life Ins. Co.*, No. 03775, (Court of Common Pleas of Philadelphia County, Pa., 2002) (Long term care insurance fraud national class action settlement); *Hanson v. Acceleration Life Ins. Co., et al.*, Civ. No. A3:97-152 (D.N.D. 1999) (Long Term Care insurance fraud national class action settlement); *Tompkins, et al. v. BASF Corporation, et al.*, Civ. No. 96-59 (Trail County, N.D. 1997) (Agricultural product label class action); *Ren-Dan Farms v. Monsanto*, No. 68,466 (10<sup>th</sup> J.D.C. Natchitoches, LA 1997) (Genetically modified cotton seed class action); and *Bonilla v. Trebol Motors Corp., et al.*, No. 92-1795 (D.P.R. 1996) (RICO class action tried to verdict involving vehicle mislabeling and tax fraud).

11. Kanner & Whiteley also has significant experience in various complex actions against pharmaceutical companies including these actions in which I have served as lead or co-lead counsel: *State of Louisiana v. GlaxoSmithKline*, No. 59533 (La. 19th J.D.C. Parish of



Easton Baton Rouge 2011) (Lead counsel for State of Louisiana in *parens patriae* action involving fraudulent marketing of Avandia® resulting in the largest single defendant pharmaceutical settlement on behalf of Louisiana); *State of Louisiana, ex rel., James D. “Buddy” Caldwell v. Endo Pharmaceuticals, Inc. et al.*, Civil Action No. 3:13-cv-701-JJB-RLB (M.D. La.) (Lead counsel for the State of Louisiana in an action involving the fraudulent marketing of Lidoderm®); *State of Louisiana ex rel., James D. “Buddy” Caldwell v. Shire, PLC, et al.*, Civ. Case No. 3:13-cv-543 (M.D.La.) (Lead counsel for State of Louisiana in multi-drug action); and *Caldwell ex rel. State of Louisiana v. Abbott Labs.*, No. 603091 (La. 19th J.D.C. Parish of Easton Baton Rouge 2011) (Co-lead counsel for the State of Louisiana in *parens patriae* action involving fraudulent marketing of Depakote®, resulting in a multi-million dollar settlement for the State).

12. Kanner & Whiteley also has substantial trial experience in a number of cases, most recently including: *N.J. Dep’t. of Envtl. Protection v. Exxon Mobil Corp.*, Nos. UNN-L-3026-04, UNN-L-1650-05, Decision Approving Proposed Consent Judgment (N.J. Super. Ct. Law Div. Aug. 25, 2015) (Hogan, J.) (Lead counsel in eight-month trial against Exxon Mobil as special counsel to State of New Jersey ultimately resulting in the largest single defendant natural resource damages settlement in New Jersey history); and *In re Oil Spill by Oil Rig Deepwater Horizon in Gulf of Mexico on Apr. 20, 2010*, (MDL 2179), 21 F. Supp. 3d 657 (E.D. La. 2014) (Lead counsel on behalf of Louisiana during Phase 1 of Deepwater Horizon trial); and *In re Oil Spill by Oil Rig Deepwater Horizon in Gulf of Mexico on Apr. 20, 2010*, MDL No. 2179, Nos. 10-2771, 10-4536, 2017 WL 11109299 (E.D. La. Sep. 11, 2013) (Lead counsel on behalf of State of Louisiana during Phase 2 of same trial) (Phase 1 and Phase 2 trial resulting in the largest single defendant natural resource damages settlement in history).

13. Kanner & Whiteley has worked successfully and efficiently with Ruben Honik and Golomb & Honik in several of the aforementioned cases.

14. Golomb & Honik has successfully litigated a number of class actions in federal and state courts including: *In re Valsartan, Losartan and Irbesartan Products Liability Litigation*, 1:19-md-02875-RBK-KMW (MDL No. 2875) (Co-Lead Counsel in MDL on behalf of economic loss, medical monitoring and personal injury plaintiffs); *Monica Barba v. Shire U.S. Inc.*, Case No. 1:13-cv-21158 (S.D. Fla. 2013) (Co-counsel on behalf of 35-state class of indirect purchasers); *Refund Anticipation Loan Litig.*, No.1:12-cv-02949 (N.D. Ill. 2012); *Spinelli v. Capital One Services*, No. 08-cv-132 (M.D. Fla. 2008); *Kardonick v. JP Morgan Chase & Co.*, No. 10-cv-23235 (S.D. Fla. 2010); *In re Discover Payment Protection Plan Mktg. & Sales Practices Litig.*, MDL No. 2217 (N.D. Ill. 2011); *Esslinger v. HSBC Bank USA, Inc.*, No. 2:10-cv-03213 (E.D. Pa. 2010); *In re Bank of America Credit Protection Mktg. & Sales Practices Litig.*, No. 3:11-md-02269 (N.D. Cal. 2011); *In re Budeprion XL Mktg. & Sales Litig.*, MDL No. 2107 (E.D. Pa. 2012) (Liaison counsel); *In re Checking Account Overdraft Litig.*, MDL No. 2036 (2009); *Mattel Lead Paint Class Action*, MDL No. 1897 (2007); *David v. American Suzuki Motor Corp.*, No. 08-CV-22278 (S.D. Fla. 2008); *In re Sterling Fin. Corp. Securities Class Action*, MDL No. 1879 (2007); *Cullen et al. v. Whitman Medical Corp. d/b/a Whitman Educ. Group, Inc., et al.*, 197 F.R.D. 136 (E.D. Pa. 2000); and *Whisnant, et al. v. General Chemical Corp., et al.*, No. 99-12286 (Court of Common Pleas of Delaware County, Pa., 1999).

15. Ruben Honik also has significant trial experience, having tried many cases to verdict, the most recent of which include a \$6.8 million verdict rendered in February 2017 in favor of the parents of their deceased minor child, *see Radzik v. Connecticut Children's Medical Center, et al.*, HHD-X03-CV09-5027092-S (Conn. Super. Ct.). Other representative examples

include a \$3,500,000 verdict for an amputation as a result of a surgical error, a \$1,620,000 verdict for failure to diagnose kidney cancer, and a \$1,000,000 verdict on behalf of a contractor who was electrocuted as a result of faulty wiring. In addition, Golomb & Honik is regularly involved in class wide mass tort settlements. Recent examples include a \$300 million settlement (serving as liaison counsel and member of executive committee in pharmaceutical mass tort); a \$162 million settlement (serving as co-lead counsel in consumer class action against a national bank); and an over \$60 million settlement (serving as co-lead counsel on behalf of numerous state attorneys' general in actions against multiple national banks).

16. Mr. Honik, Mr. Stanoch, Ms. Hilton, Ms. Tennis and undersigned have worked diligently for over four years to effectively initiate and complete fact and expert discovery and litigate the case to date, and have presented ample evidence in support of settlement and settlement class certification. Counsel are experienced in handling class actions, other complex litigation and claims of the type asserted in this action and will bring this experience and diligence to bear in representing the proposed Class through class notice and administration of the claims process upon settlement approval. Counsel are knowledgeable as to the applicable law and Counsel have and will continue to contribute the resources needed to efficiently and effectively represent the Class.



17. Actavis will place funds in the amount of \$1,100,000.00 in an interest-bearing escrow account at Huntington Bank no later than ten business days following execution of the Settlement Agreement and receipt of wiring instructions.

Dated May 24, 2021.

Respectfully submitted,



Conlee S. Whiteley, Esq. (LA Bar No. 22678)

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